

Applicant(s): Carl W. Anderson, et al.

For: DNA-PK Assay

DECLARATION CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Brookhaven Science Associates

ADDRESS OF ORGANIZATION Upton, New York 11973

TYPE OF ORGANIZATION

☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501 (a) and 501 (c)(3))

☒ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA

(NAME OF STATE Delaware)
(CITATION OF STATUTE Title 6, Chapter 18 Delaware Code)

☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501 (a) and 501 (c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA

☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA

(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the above-identified invention,

004207-2456960

described in

 x the specification filed herewith

 application serial no. , filed

 patent no. , issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

The U.S. Government, as represented by the U.S. Department of Energy, has a license to the subject invention resulting from a funding agreement pursuant to 35 U.S.C. 202C(4), which license does not preclude the proper claiming of small entity status (M.P.E.P. Section 509.02, "Rights Held by Government Organization").

I acknowledge the duty to file, in this application or patent, notification of any charge in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate [37 CFR 1.28(b)].

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING MARGARET C. BOGOSIAN

TITLE IN ORGANIZATION PATENT COUNSEL

SIGNATURE  DATE 12/24/02

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- ☒ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

"DNA-PK ASSAY"

SPECIFICATION IDENTIFICATION

the specification of which:

- (a) ☒ is attached hereto
- (b) ☐ was filed on _____ as ☒ Serial No. 07/_____
or ☐ Express Mail No., as Serial No. not yet known
_____ and was amended on _____
- (c) ☐ was described and claimed in PCT International
Application No. _____ filed
on _____ and as amended under
PCT Article 19 on _____.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information of which I am aware which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56 and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- (d) ☒ no such applications have been filed.
(e) ☐ such applications have been filed as follows.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119**

Country (or indicate if PCT)	Application No.	Date of Filing (day, month, year)	Priority Claimed Under 37 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name and Registration No.

Margaret C. Bogosian
Registration No. 25,324

Christine L. Brakel
Registration No. 45,772

Lori-Anne Mooney
Registration No. 44,949

SEND CORRESPONDENCE TO

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DIRECT TELEPHONE CALLS TO:

Margaret C. Bogosian
(631) 344-7338

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor

Carl W. Anderson
(Given Name) (Middle Initial or Name) Family (or last name)

Inventor's signature _____

Date _____ Country of Citizenship USA

Residence Stony Brook, New York

Post Office Address 23 Shelbourne Lane

_____ Stony Brook, New York 11790

Full name of second joint inventor, if any

Margery A. Connelly
(Given Name) (Middle Initial or Name) Family (or last name)

Inventor's signature _____

Date _____ Country of Citizenship USA

Residence Medford, New York

Post Office Address 215 Mt. Vernon Ave

_____ Medford, New York 11763

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH
FORM A PART OF THIS DECLARATION

- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added _____

* * *

- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added _____

* * *

- ☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time (37 CFR 1.47).

* * *

- ☒ Added pages to combined declaration and power of attorney for divisional, continuation or continuation-in-part (C-I-P) application.

☒ Number of pages added 1

* * *

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

* * *

(If no further pages form a part of this Declaration, then end this Declaration with this page and check the following item:)

- ☐ This declaration ends with this page.

ADDED PAGE TO COMBINED DECLARATION AND POWER OF
ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S) UNDER
35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information of which I am aware that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the filing date of this application.

PRIOR U.S. APPLICATIONS FOR BENEFIT UNDER 35 USC 120:				
U.S. APPLICATIONS		STATUS		
U.S. Applications	U.S. Filing Date	Patented	Pending	Abandoned
08/132,284	10/6/93		X	

001201-2E156960